

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/517,027
Applicant	:	Goran Sjöberg
Filed	:	July 21, 2005
Title	:	PORTABLE SURFACE TREATING APPARATUS
Conf. No.	:	2855
TC/A.U.	:	3723
Examiner	:	Alvin J. Grant
Customer No.	:	000,116
Docket No.	:	ABE-37256

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant requests review of the final rejections of claims 1-20 set forth in an Office action dated August 17, 2010. No amendments are being filed with this request. A Notice of Appeal accompanies this request.

Claims 1-4, 8, 9 and 11-20

Claims 1-4, 8, 9 and 11-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. Patent No. 5,933,900), hereinafter "Wang" in view of U.S. Patent No. 6,735,806 to Blum et al. (hereinafter "Blum"). Withdrawal of the rejections is respectfully requested for the reasons discussed below and in Amendment "D".

Regarding claim 1, the Examiner acknowledges that Wang does not explicitly disclose the claimed scratching means for removing liquid and dirt particles from the belt. The Examiner contends, however, that: 1) Wang discloses an alternate but equivalent means for removing liquid and dirt particles from the belt with expected results; 2) the claimed means is known, as evidenced by Blum; and 3) it would have been obvious to one of ordinary skill in the art to

modify Wang to include a rotating projecting scratching means based on the teachings of Blum. For the following reasons, Applicant respectfully disagrees with each of these points.

1. Wang does not teach any equivalent means

In the final Office action, The Examiner states that “Wang does not specifically disclose a scratching mechanism for removing dirt and water from the belt. Wang; however, discloses an alternate but equivalent means for removing liquid and dirt particles from the belt with expected results.” The Examiner, however, does not state what structure in Wang is being considered as this “alternative but equivalent means”. However, in Wang, there is no mechanism that removes dirt particles. Instead, the dirt is rinsed from the belt by the cleaning liquid.

A detailed explanation of Wang’s operation is provided in Amendment “D” and will not be repeated for the sake of brevity. Briefly, the rollers of Wang serve only to position/tension the belt and remove excess liquid, but are not constructed in such a way that they would remove dirt particles. **Thus, upon full consideration of the operation of Wang’s machine, it is clear that Wang’s rollers are not equivalent to the claimed scratching means, and do not clean dirt from the belt. Rather, the dirt is rinsed by the liquid in the container, and the rollers merely wring out excess liquid.**

2. Blum does not teach an apparatus for removing liquid

The Examiner contends that Blum teaches the claimed scratching means for abutting the conveyor belt and removing liquid and dirt particles from the belt. Blum does not teach the removal of liquid; Blum’s sheet brush only removes debris (e.g. dirt) from a sheet (see col. 6, lines 6-8). Further, the sheet in Blum et al. (which is not endless) is a tacky sheet rolled off of a roll. One of ordinary skill in the art will appreciate that this kind of tacky sheet is clearly not suitable for picking up liquid, as required by the present claims. Thus, it is clear that the sheet brush 1160 of Blum is not the same as the scratching means of the present application, nor is it a functional equivalent thereof. **Accordingly, even if the sheet brush of Blum was provided to the machine of Wang, it would not function to remove liquid and dirt particles from the belt as the required by the scratching means of claim 1.**

3. One of ordinary skill would not find it obvious to combine Wang and Blum since they are very different technologically and functionally

Wang teaches an endless carpet belt that is rinsed in a cleaning liquid and wringed out to remove excess liquid before applying it to the floor. Wang's carpet belt is intended to be reused indefinitely. Blum teaches a tacky sheet that rolled off of a roller is moved over the floor to pick up dirt and debris and then the dirty sheet rolled onto another roller. Once a portion of Blum's tacky sheet is too dirty to effectively pick up more dirt, it is no longer used for cleaning. Unlike Wang, the device of Blum's is not faced with the problem of trying to effectively clean an endless belt that will be continually reused for cleaning the floor, since Blum's tacky sheet is disposable. Furthermore, Blum's tacky sheet does not use liquid for cleaning and thus its device is not designed to remove water. One of ordinary skill in the art looking to improve or otherwise modify Wang would not look to the teaching of Blum, since it involves a different cleaning technology that functions in an entirely different way.

In the Response to Arguments section of the final Office action, the Examiner states that "the test (of obviousness) is what the combined teachings of the references would have suggested to those of ordinary skill in the art" (see page 5 citing *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981)). Applicant does not dispute this; however, the Examiner must still provide some articulated reasoning as to why it would have been obvious to combine the teachings of Wang and Blum in the first place. As stated in MPEP § 2141, subsection III: "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"(citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. at ___, 82 USPQ2d at 1396). In the Office action, the examiner has merely concluded that the combination would be obvious because Wang allegedly discloses an equivalent means and Blum allegedly discloses Applicant's claimed means (see page 3). **This reasoning does not address why one of skill in the art would have found it obvious to combine these teachings; it merely concludes that they *could* be combined. Furthermore, in the above paragraph, Applicant has provided several reasons why it would *not* have been obvious. Because the reasoning set forth in the Office action is insufficient, the Office action fails to establish a *prima facie* case of obviousness and the rejection of claim 1 and its dependent claims should be withdrawn.**

Similar to claim 1, independent claim 14 requires a scratching instrument removing liquid and dirt particles from an endless conveyor belt. For essentially the same reasons as described above with regard to claim 1, claim 14 is not rendered obvious by Wang in view of Blum and the rejection of claim 14 and its dependent claims should be withdrawn.

Claims 5-6 and 10

Claims 5-6 and 10 were rejected under 35 U.S.C. 103 (a) over Wang in view of Blum and in further view of Lynn (U.S. Patent No. 5,203,047), hereinafter "Lynn". Withdrawal of the rejections is respectfully requested for the reasons discussed below and in Amendment "D".

Claims 5, 6 and 10 depend either directly or indirectly on claim 1. As explained above with regard to claim 1, Wang in view of Blum fails to teach, suggest or otherwise render obvious the claimed scratching means. Additionally, Lynn does not disclose any scratching means for removing liquid and dirt particles from its belt. Therefore, even if Wang and Blum were combined with Lynn, every limitation of claim 1 would not be taught, suggested, or otherwise rendered obvious by the resulting combination. Accordingly, claims 5, 6 and 10 which depend from claim 1 are nonobvious over Wang and Blum in view of Lynn and the rejection should be withdrawn.

Claim 7

Claim 7 stands rejected under 35 U.S.C. 103 (a) over Wang in view of Blum, in view of Lynn and in further view of Chupin et al. (U.S. Patent No. 4,918,778), hereinafter "Chupin". For at least the following reasons, the rejection should be withdrawn.

Claim 7 depends indirectly on claim 1. As explained above with regard to claims 5-6 and 10, which also depend from claim 1, Wang and Blum in view of Lynn fails to teach, suggest or otherwise render obvious the claimed scratching means. Additionally, Chupin does not disclose any scratching means for removing liquid and dirt particles from its belt. Thus, even if Wang were combined with Blum, Lynn and Chupin, every limitation of claim 1 would not be taught, suggested, or otherwise rendered obvious or predictable by the resulting combination. As a result, Wang in view of Blum, Lynn and Chupin fails to render claim 7 obvious and the rejection should be withdrawn.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ABE-37256.

Respectfully submitted,

PEARNE & GORDON LLP

By: /Aaron A. Fishman/
Aaron A. Fishman – Reg. No. 44682

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1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700